

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-213289

DATE: December 2, 1983

MATTER OF: Evans Inc.

DIGEST:

Protest against propriety of solicitations that is untimely filed with procuring agency (after the closing dates for the receipt of initial proposals) and then filed with GAO after the agency's denial of the protest is not for consideration on the merits under 4 C.F.R. § 21.2(a) which requires that initial protest to agency be filed on a timely basis.

Evans Inc. (Evans) protests the propriety of request for proposals (RFP) Nos. M6-Q76-83, M6-Q74-83, M6-Q73-83 and M6-Q54-83 issued by the Veterans Administration (VA) for laundry services. Evans contends the solicitations' bonding requirements are unfair and the specifications are ambiguous. Evans' initial protest with the VA was denied.

The VA has provided us with the first sheet from each of the solicitations. The closing dates were as follows:

<u>RFP</u>	<u>Closing Date</u>
M6-Q54-83	May 10, 1983
M6-Q76-83	August 04, 1983
M6-Q73-83	August 09, 1983
M6-Q74-83	August 11, 1983

Our Bid Protest Procedures specify that protests based on alleged improprieties in any type of solicitation which are apparent on the face of the solicitation will not be considered on the merits unless filed with the procuring agency or our Office prior to bid opening or the closing dates for receipt of proposals. 4 C.F.R. § 21.2(b)(1) (1983); Bouge Electric Manufacturing Co., B-208471, August 27, 1982, 82-2 CPD 183.

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The alleged improprieties should have been apparent from a reading of the solicitations. Evans was, therefore, required to file its protest before the closing dates for the receipt of proposals. However, Evans filed its protest with the VA by letter dated August 30, 1983, after the closing dates. Evans' protest to the VA was therefore untimely filed and will not be considered by our Office. 4 C.F.R. § 21.2(a) (1983); SACO Defense Systems Division, Maremont Corporation, B-212436, August 10, 1983, 83-2 CPD 200.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel